

Remarks

The above Amendments and these Remarks are in reply to the Office Action mailed July 14, 2006. A Petition for Extension of Time is submitted herewith, together with the appropriate fee. No fee is due for the addition of new claims.

I. Summary of Examiner's Rejections

Prior to the Office Action mailed July 14, 2006, Claims 1-30 were pending in the Application. In the Office Action, the Drawings, Specification, Abstract, and Claim 1 were objected to for various informalities. Claims 1-30 were rejected under 35 U.S.C. 101 as being directed to non-statutory matter. Claims 1-4, 6-14, 16-24, and 26-30 were rejected under 35 U.S.C. 102(b) as being anticipated by McIntyre (U.S. Patent No. 6,178,546). Claims 5, 15 and 25 were rejected under 35 U.S.C. 103(a) as being unpatentable over McIntyre in view of Rich, et. al. (U.S. Pub. 2002/0178439, hereinafter Rich).

II. Summary of Applicant's Amendments

The present Reply amends the Drawings, Specification and Abstract; cancels Claims 2-3, 5, 9, 12-13, 15, 19, 22-23, 25 and 29; amends Claims 1, 4, 11, 14, 21 and 24; and adds new Claims 31-33, leaving for the Examiner's present consideration Claims 1, 4, 6-8, 10-11, 14, 16-18, 20-21, 24, 26-28 and 30-33.

III. Objections to the Drawings

In the Office Action mailed July 14, 2006, Figure 1 was objected to as not being labeled properly. Accordingly, enclosed is a replacement drawing sheet for Figures 1 and 2, in which Figure 1 has been labeled as "(Prior Art)". Subject to the approval of the Examiner, it is respectfully requested that the new drawing sheet be substituted for the originally filed drawing sheet. Applicant respectfully submits that no new matter is being added by this amendment.

IV. Objections to the Specification and the Abstract

In the Office Action mailed July 14, 2006, the Specification and the Abstract were objected to for various informalities. In particular, the Specification was objected to as containing incorrect

wording in the claim of priority section. The Abstract was objected to under MPEP §608.01(b) as containing legal phraseology. Accordingly, both the Specification and the Abstract have been amended as shown above to correct these informalities. Reconsideration thereof is respectfully requested.

V. Objections to the Claims

In the Office Action mailed July 14, 2006, Claim 1 was objected to for the use of duplicate claim language. Accordingly, Claim 1 has been amended as shown above to correct the language therein. Reconsideration thereof is respectfully requested.

VI. Claim Rejections under 35 U.S.C. §101

In the Office Action mailed July 14, 2006 Claims 1-30 were rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory matter. Applicant thanks the Examiner for providing suggestions to address this rejection. Accordingly, Claims 1-30 have been amended as shown above. Applicant respectfully submits that the claims as amended now conform to the requirements of 35 U.S.C. 101, and reconsideration thereof is respectfully requested.

VII. Claim Rejections under 35 U.S.C. §102

In the Office Action mailed July 14, 2006, Claims 1-4, 6-14, and 26-30 were rejected under 35 U.S.C. 102(b) as being anticipated by McIntyre (U.S. Patent No. 6,178,546).

Claim 1

Claim 1 has been amended by the current Reply to more clearly define the embodiment therein. As amended, Claim 1 defines:

1. *(Currently Amended): A system for organization of software application files during development and subsequent deployment of the software application to a server, comprising:*

a split directory structure stored on a computer medium that stores files for a software application, wherein the split directory structure includes both a source folder that stores editable source files as part of the software application, and a corresponding output

folder that stores compiled files as part of the software application, and wherein the split directory is accessed as a virtual JAR file that provides an abstraction over the two folders therein;

*a server upon which the software application will be deployed; and
a deployment tool that allows the user to specify the output folder during deployment of the software application, wherein during the deployment the server recognizes the split directory structure and deploys the application by making requests to the virtual JAR file which checks both the source folder and the corresponding output folder for software application files, before deploying the software application files to the server.*

Claim 1, as currently amended, defines a system for organization of software application files during development and subsequent deployment of the software application. A split directory structure includes both a source folder that stores editable source files as part of the software application, and a corresponding output folder that stores compiled files as part of the software application. The split directory is accessed as a virtual JAR file that provides an abstraction over the two folders. During deployment, the user can specify the output folder. The server recognizes the split directory structure and deploys the application by making requests to the virtual JAR file which checks both the source folder and the output folder for software application files, before deploying the software application files to the server.

The advantages of the embodiment defined by Claim 1 include that, during deployment of the software application, the source and output folder are interpreted as a single folder or directory. This approach requires no copying, in that the server can read source files (for example JSP's, XML descriptors, html images, etc.) directly from the split directory structure, without having to first copy them to a build directory. In a traditional software development system, a separate source directory (/source) is used for storing source code, while a build directory (/build) is used for Java files, etc, which are compiled; each time a change is made to a small portion of the code it is necessary to do a full redeployment so that the server can see the modified code in the build directory. However, in the embodiment defined by Claim 1, the server receiving the build can see both the /build folder, and the /source folder. This allows for additional advantages, for example Web files can be changed and redeployed in place within the source folder, without having to rebuild the entire software application.

McIntyre discloses a method of making software product deliverables includes reading a description file having descriptions of items to be built, packaged, and/or installed, identifying the items, and then generating a build script to build the items described in the description file. An inventory of the items to be built and their respective locations in a build area is generated as well as a packaging list of the items to be included in each package. (Abstract). Build script 20 drives a build process 30 to build items originally specified in description file 14. These items are moved to a build area 32, which is a directory with one or more subdirectories. Build area 32 may be a private build area accessible only to a specific developer or build/release group or it may be a public build area used for performing group builds or internal releases. Build script 20 may be configured to first search a private build area for libraries and include files and then search the public build area if those files are not found in the private build area. In this manner, developers can update their own libraries and programs and still reference other developer's files in the public build area. Inventory data from inventory database 22 and packaging data from packaging database 24 are then used by a packaging process 34 to create packages 36. Inventory database 22 contain entries on each built item in build area 32. (Column 2, line 51 - Column 3, line 2).

The above description appears to suggest that, in McIntyre, the system is designed to assist a group of software developers in building a software application by allowing each developer to store libraries and programs in a private build area, while other developers can store libraries and programs in their own build areas, or in a public build area. An inventory database contains entries on each built item in the different build areas. This inventory is then used together with packaging data from a packaging database to create packages.

However, Applicant respectfully submits that the technique described in McIntyre appears to be one of arranging and using a variety of build files, for use in packaging a software application, rather than, as defined in Claim 1, a combination of both *editable source files* and *compiled files*, for use in deploying a software application. Furthermore, while McIntyre describes a directory with one or more subdirectories to store the build files, this does not appear to be the same as a split directory accessed as a virtual JAR file that provides an abstraction over the two folders therein.

In addition, McIntyre apparently discloses that the build script may be configured to first search a private build area for libraries and include files, and then search the public build area if those files are not found in the private build area. However, Applicant respectfully submits that this

is different from the embodiment defined by Claim 1 in which the split directory structure includes both a source folder that stores editable source files, and a *corresponding output folder* that stores compiled files. In some embodiments, this correspondence is indicated by a build file that identifies the output folder as being part of a split directory which also includes the source folder. McIntyre does not appear to disclose any correspondence between the different build areas.

In view of the above comments, Applicant respectfully submits that Claim 1, as amended, is neither anticipated by, nor obvious in view of the cited references, and reconsideration thereof is respectfully requested.

Claims 11 and 21

The comments provided above with respect to Claim 1 are hereby incorporated by reference. Claims 11 and 21 have been similarly amended to more clearly define the embodiments therein. Applicant respectfully submits that Claims 11 and 21, as amended, are likewise neither anticipated by, nor obvious in view of the cited references, and reconsideration thereof is respectfully requested.

Claims 4-8, 10, 14-18, 20, 24-28 and 30

Claims 2-3, 5, 9, 12-13, 15, 19, 22-23, 25 and 29 have been canceled, rendering moot the rejection of these claims. Claims 4, 6-8, 10, 14, 16-18, 20, 24, 26-28 and 30 are not addressed separately, but it is respectfully submitted that these claims are allowable as depending from an allowable independent claim, and further in view of the amendments and the comments provided above. Reconsideration thereof is respectfully requested.

VIII. Claim Rejections under 35 U.S.C. §103(a)

In the Office Action mailed July 14, 2006, Claims 5, 15 and 25 were rejected under 35 U.S.C. 103(a) as being unpatentable over McIntyre (U.S. Patent No. 6,178,546) in view of Rich (U.S. Pub. 2002/0178439).

Claims 5, 15 and 25 have been canceled, rendering moot the rejection of these claims. Applicant respectfully reserves the right to prosecute any originally presented or canceled claims in a continuing or future application.

IX. Additional Amendments

Claims 31-33 have been newly added by the present Reply. Applicant respectfully requests that new Claims 31-33 be included in the Application, and considered therewith.

X. Conclusion

In view of the above amendments and remarks, it is respectfully submitted that all of the claims now pending in the subject patent application should be allowable, and reconsideration thereof is respectfully requested. The Examiner is respectfully requested to telephone the undersigned if he can assist in any way in expediting issuance of a patent.

Enclosed is a PETITION FOR EXTENSION OF TIME UNDER 37 C.F.R. §1.136 for extending the time to respond up to and including November 14, 2006.

The Commissioner is authorized to charge any underpayment or credit any overpayment to Deposit Account No. 06-1325 for any matter in connection with this reply, including any fee for extension of time, which may be required.

Respectfully submitted,

Date: November 14, 2006

By: /Karl F. Kenna/
Karl F. Kenna
Reg. No. 45,445

FLIESLER MEYER LLP
Four Embarcadero Center, Fourth Floor
San Francisco, California 94111-4156
Telephone: (415) 362-3800